

REMARKS

Claims 1-13 are pending in this application, with Claims 1, 7-9, 12, and 13 being independent.

Initially, the Office Action's indication that Claims 9-13 are allowed is noted with appreciation.

At paragraph 3 of the Office Action, it is stated that the reissue oath/declaration is defective. At paragraph 4 of the Office Action, Claims 1-8 were rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251. (See also paragraphs 2a, 2c, and 6 of the Office Action.) The Office Action states that a supplemental reissue declaration is required for the Amendment After Final Action filed on July 19, 2004.

Attached hereto is a *Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 C.F.R. § 1.175)*, as required. It is noted that the Supplemental Declaration was reviewed (in draft form) by Ken Wieder, SPRE 2600, on April 12, 2007, and that in telephone correspondence between Examiner Wieder and the undersigned attorney on that date, Examiner Wieder gave his tentative approval that the attached Supplemental Declaration would overcome the rejection under 35 U.S.C. § 251.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 251 is respectfully requested.

At paragraph 5 of the Office Action, the *Assignee Statement Under 37 C.F.R. § 3.73(b)* and the *Assent of Assignee to Reissue Under 37 C.F.R. § 1.172* were objected to as being defective (see also paragraph 2b of the Office Action). The Office

Action states that the papers filed on December 23, 2002 were not signed by someone having apparent authority to sign on behalf of the assignee, and no statement that they are empowered to sign was included.


However, Applicant filed updated papers with the United States Patent and Trademark Office on January 23, 2003, as evidence by the attached PAIR printout. Courtesy copies of these papers as filed are also attached. In particular, the *Assignee Statement Under 37 C.F.R. § 3.73(b)* and the *Assent of Assignee to Reissue Under 37 C.F.R. § 1.172* each state that the individual signing (whose title is supplied on each paper) is empowered to sign on behalf of the assignee.

Accordingly, withdrawal of the objections set out at paragraph 5 of the Office Action is respectfully requested.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present reissue application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ra DiPerna', written over a horizontal line.

Raymond A. DiPerna
Attorney for Applicant
Registration No. 44,063

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 629225v1

35.C12124 REI

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application:
of U.S. Patent No. 6,028,963

HIROSHI KAJIWARA

Appln No.: 09/827,925

Filed: April 9, 2001

For: IMAGE ENCODING BASED ON
JUDGEMENT ON PREDICTION
ERROR

Examiner: W. Chen

Group Art Unit: 2624

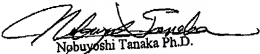
Commissioner for Patents
Washington, D.C. 20231ASSIGNEE STATEMENT
UNDER 37 C.F.R. § 3.73 (b)

Sir:

The undersigned, as representative of CANON KABUSHIKI KAISHA, certifies that, to the best of his knowledge and belief, title to United States Letters Patent No. 6,028,963 is in the name of CANON KABUSHIKI KAISHA. This title was evidenced by an assignment recorded in the U.S. Patent and Trademark Office on June 13, 1997, at Reel No. 8614, Frame No. 0740.

The undersigned (whose title is supplied below) is empowered to sign on behalf of CANON KABUSHIKI KAISHA.

CANON KABUSHIKI KAISHA

December 28, 2002
Date
Nobuyoshi Tanaka Ph.D.
Managing Director
Group Executive
Corporate Intellectual Property and
Legal Headquarters

NY_MAIN 224075v1

35.C12124 REI

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application:
of U.S. Patent No. 6,028,963

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Examiner: W. Chen

HIROSHI KAJIWARA

)

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Group Art Unit: 2624

Appln No.: 09/827,925

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Filed: April 9, 2001

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For: IMAGE ENCODING BASED ON
JUDGEMENT ON PREDICTION
ERROR

)

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Commissioner for Patents
Washington, D.C. 20231ASSENT OF ASSIGNEE TO REISSUE UNDER 37 C.F.R. § 1.172

Sir:

CANON KABUSHIKI KAISHA, a corporation and assignee of the entire right,
title, and interest in United States Letters Patent No. 6,028,963, hereby assents to the above-
identified application to reissue such Letters Patent.

The undersigned (whose title is supplied below) is empowered to sign on behalf
of the assignee.

CANON KABUSHIKI KAISHA

December 28, 2002

Date

Nobuyoshi Tanaka Ph.D.
Managing Director
Group Executive
Corporate Intellectual Property and
Legal Headquarters

03500.012124.36

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Wenpeng Chen
HIROSHI KAJIWARA)	
	:	Art Unit: 2624
Appln. No.: 09/827,925)	
	:	
Filed: April 9, 2001)	
	:	
For: IMAGE ENCODING)	
BASED ON JUDGEMENT ON	:	
PREDICTION ERROR	:	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL DECLARATION FOR REISSUE PATENT
APPLICATION TO CORRECT "ERRORS"
STATEMENT (37 C.F.R. § 1.175)

Sir:

As the below named inventor, I hereby declare and say that:

1. I believe that I am the original, first inventor of the subject matter which is claimed in the subject reissue application and for which a reissue patent is sought on the invention entitled IMAGE ENCODING BASED ON JUDGEMENT ON PREDICTION ERROR, the specification of which was filed in the Patent and Trademark Office on April 9, 2001, and accorded Application No. 09/827,925, and amended on July 19, 2004 (via an Amendment After Final Action filed via certificate of mailing on July 15, 2004).

2. I have reviewed and understand the contents of the reissue application, including the claims.

3. I acknowledge my duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 C.F.R. § 1.56.

4. I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or §365(b), of the foreign applications for patent listed below and have also identified below any foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filing Date</u>	<u>Priority Claimed</u>
Japan	8-155501	June 17, 1996	Yes
Japan	8-155502	June 17, 1996	Yes

5. I hereby declare and say that every error in the original U.S. Patent 6,028,963 which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

6. I believe that the original U.S. Patent 6,028,963 is wholly or partly inoperative or invalid by reason of my having claimed more or less than I had the right to claim; specifically, the claim language "and for encoding the second prediction error difference on the basis of the judged appearing and unappearing prediction error

differences" should not have been included in the paragraph reciting the judging means of patent Claim 1, and also should not have been included in the paragraph reciting the judging step of patent Claims 7 and 8, since the subject matter defined by that claim language is essentially redundant of the encoding performed by the encoding means of patent Claim 1 and the encoding step of Claims 7 and 8, respectively. Thus, one of the errors in our U.S. Patent 6,028,963 is that none of those original patent claims provides adequate protection for aspects of the present invention which do not include the aforescribed redundancy. These aspects of the invention are now set forth in Claims 1, 7, and 8 as amended in the present reissue application. For example, as now amended, Claim 1 recites, in part, judging means for judging an appearing prediction error difference and an unappearing prediction error difference on the basis of the first prediction error difference, wherein the second prediction error difference is not used in the judging operation, and Claims 7 and 8, as now amended, each recite, in part, judging an appearing prediction error difference and an unappearing prediction error difference on the basis of the first prediction error difference, wherein the second prediction error difference is not used in the judging operation. The judging means of amended Claim 1, and the judging step of Claims 7 and 8, do not require the above-quoted subject matter, previously recited in original patent Claims 1, 7 and 8.

During the prosecution of U.S. Patent Application No. 08/874,581, which matured into the above-identified U.S. Patent, I did not appreciate that the above-quoted subject matter relating to encoding the second prediction error difference should not have been recited in the paragraph reciting the judging means of Claim 1, and in the paragraph

reciting the judging step of Claims 7 and 8. After that patent issued, I noticed that the above-quoted subject matter should not have been recited in the mentioned paragraphs of Claims 1, 7, and 8.

Accordingly, I believe that the failure of U.S. Patent 6,028,926 to provide adequate protection for the aspects of my invention discussed above and now set forth in amended Claims 1, 7 and 8 renders the patent wholly or partly inoperative or invalid for the reason that I claimed more or less than I had the right to claim in the patent.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole Inventor HIROSHI KAJIWARA

Inventor's signature Hiroschi Kajiwara

Date April 13, 2007 Citizenship/Subject of JAPAN

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09/827,925

IMAGE ENCODING BASED ON JUDGEMENT ON PREDICTION ERROR

Transaction History

Transaction Description

Date	Transaction Description
01-16-2007	Mail Non-Final Rejection
01-10-2007	Non-Final Rejection
08-23-2005	Date Forwarded to Examiner
10-10-2004	Request for Continued Examination (RCE)
08-23-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
10-10-2004	Request for Extension of Time - Granted
10-18-2004	Workflow incoming amendment IFW
10-18-2004	Workflow - Request for RCE - Begin
10-17-2004	IFW TSS Processing by Tech Center Complete
10-17-2004	Date Forwarded to Examiner
07-19-2004	Amendment after Final Rejection
07-23-2001	Reference capture on IDS
07-19-2004	Workflow incoming amendment IFW
04-15-2004	Mail Examiner Interview Summary (PTOL - 413)
04-15-2004	Mail Final Rejection (PTOL - 326)
04-14-2004	Final Rejection
01-23-2003	Miscellaneous Incoming Letter
01-24-2003	Examiner Interview Summary Record (PTOL - 413)
01-03-2003	Date Forwarded to Examiner
12-23-2002	Response after Ex Parte Quayle Action



12-23-2002	Request for Extension of Time - Granted
07-15-2002	Mail Ex Parte Quayle Action (PTOL - 326)
07-14-2002	Ex Parte Quayle Action
04-30-2002	Date Forwarded to Examiner
04-26-2002	Response after Non-Final Action
04-26-2002	Request for Extension of Time - Granted
10-19-2001	Mail Non-Final Rejection
10-18-2001	Non-Final Rejection
08-30-2001	Submission of Original Patent Grant
07-23-2001	Information Disclosure Statement (IDS) Filed
04-09-2001	Miscellaneous Incoming Letter
08-20-2001	Case Docketed to Examiner in GAU
05-31-2001	Application Dispatched from OIPE
05-31-2001	Correspondence Address Change
05-11-2001	Notice of Reissue Published in Official Gazette
05-11-2001	IPW Scan & PACR Auto Security Review
04-09-2001	Initial Exam Team nn

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